UNITED
NATIONS

CCPR

International covenant
on civil and
political rights

Distr.
GENERAL

CCPR/C/75/Add.1
23 February 1994

ENGLISH
Original: SPANISH

HUMAN RIGHTS COMMITTEE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

Second periodic reports of States parties due in 1992

Addendum

ARGENTINA*

[7 January 1994]

---

* For the initial report submitted by the Government of Argentina see CCPR/C/45/Add.2, and for its consideration by the Committee see CCPR/C/SR.952, SR.955 and SR.956 or Official Records of the General Assembly, Forty-fifth session, Supplement No. 40 (A/45/40), paras. 212-243.

GE.94-15605 (E)

CONTENTS

	Paragraphs	Page
Introduction	1 - 8	3
I. JUDICIAL AUTHORITIES WITH JURISDICTION IN HUMAN RIGHTS MATTERS	9 - 15	4
II. ADMINISTRATIVE AUTHORITIES WITH JURISDICTION IN HUMAN RIGHTS MATTERS	16 - 19	6
III. INFORMATION ON ARTICLES 1 TO 27 OF THE COVENANT	20 - 81	7
Article 1	20	7
Article 2	21 - 25	7
Article 3	26 - 28	8
Article 4	29 - 30	8
Article 5	31 - 32	9
Article 6	33 - 36	9
Article 7	37	10
Article 8	38 - 41	10
Article 9	42 - 47	10
Article 10	48 - 53	14
Article 11	54	18
Article 12	55	18
Article 13	56 - 57	18
Article 14	58 - 59	18
Article 15	60	22
Article 16	61	22
Article 17	62	22
Article 18	63 - 66	24
Article 19	67	25
Article 20	68 - 69	25
Article 21	70	25
Article 22	71 - 72	25
Article 23	73 - 77	25
Article 24	78	26
Article 25	79	27
Article 26	80	27
Article 27	81	27
IV. FACTORS AFFECTING THE IMPLEMENTATION OF THE COVENANT - DIFFICULTIES ENCOUNTERED	82	27

Introduction

1. The Republic of Argentina, a State party to the International Covenant on Civil and Political Rights, hereby submits its second periodic report for the consideration of the Human Rights Committee, in conformity with the provisions of article 40 of the Covenant.

2. The 1853 Constitution of the Argentine nation (together with the revised versions of 1860, 1866, 1898 and 1957) enshrines most of the civil and political rights contained in the Covenant, at both the national and provincial levels. A detailed list of those provisions was provided by the Argentine Government in its initial report to the Committee.

3. The Covenant was adopted by Congress under Act No. 23,313 of 17 April 1986, in accordance with the provisions of article 67, paragraph 19, of the Constitution. The Argentine Government deposited the instrument of ratification on 8 August 1986, in keeping with article 86, paragraph 14, of the Constitution, which empowers the Executive to conclude and sign treaties.

4. The provisions of the Covenant may be applied and directly invoked in the courts and administrative offices, since the Covenant has been made a part of the Argentine legal order, and in accordance with the provisions of article 31 of the Constitution, is a supreme law of the nation.

5. The Argentine Republic is currently a party to practically all universal and regional international instruments on the protection of human rights. The Convention on the Rights of the Child, which was ratified by the Argentine Government on 4 December 1990, should be added to the list contained in the initial report.

6. The ratification of those instruments, and the adoption of Decree No. 70/91, superseded by Act No. 24,043 of 1991, which established a system of compensation for anyone who was arbitrarily or illegally detained between 1976 and 1983, are indicative of the continuing willingness of the Government to accept and incorporate into its own legal order the recommendations issued by international human rights protection bodies on this matter.

7. The Government of the Argentine Republic regrets that it is not able to provide the Committee with information on how the International Covenant on Civil and Political Rights is implemented throughout its entire territory, which includes the Malvinas, South Georgia and South Sandwich Islands. There is of course a sovereignty dispute over the question of the Malvinas islands between the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland which is recognized by the United Nations. The two countries have resumed diplomatic relations, and the Government is continuing its negotiations with the United Kingdom while continuing to claim its rights.

8. In the time that has elapsed since it submitted its initial report to the Committee, the Government has enforced and protected the full exercise of human rights, considering this to be the only way to preserve the rule of law and at the same time help to strengthen democratic processes.

I. JUDICIAL AUTHORITIES WITH JURISDICTION IN HUMAN RIGHTS MATTERS

9. The Government is pleased to inform the Committee that - as part of a reform of State institutions - the country's judicial system is being thoroughly transformed, with a view to achieving an efficient, transparent and secure system.

10. On the appointment of judges, it should be noted that a decision by the Executive in 1992 established the Advisory Commission on the Magistrature, which operates as part of the Ministry of Justice and is made up of representatives of all sectors concerned with excellence in the selection of judges. For the same purpose, the Senate's approval is now given in an open meeting (previously a closed meeting). This completes a system introduced to ensure the republican principles of full disclosure and of a check by the people on all government actions.

11. In accordance with the provisions of Act No. 23,774 of 1990, the number of judges making up the Supreme Court of Justice was raised to nine, also for the purpose of streamlining the Court's handling of cases.

12. From the legislative point of view, the Government promoted a reform of the Code of Criminal Procedure, which culminated in the adoption by Congress of a new Code under Act No. 23,984. The reform, effective 5 September 1992, was conducted with a view to adopting standards of modern theory and comparative legislation, in order to safeguard the rights of individuals, brought to trial promptly and openly. Similarly, the Ministry of Defence is preparing a draft reform of the Code of Military Justice, and the substantive aspects include such topics as changes in military jurisdiction in peacetime and the incorporation as offences (war crimes) of serious breaches of international humanitarian law as laid down in the Geneva Conventions of 1949 and Additional Protocols of 1977.

13. In Decree No. 820/92, the Executive stated that it was necessary to reform the rules on non-criminal court proceedings. To that end, a commission was established and is currently working on the drafting of a set of legal instruments which, once adopted, will supplement the above-mentioned reform of the criminal law to help it achieve full force. They include the draft Code of Justice for Minor Offences, the introduction of alternative mechanisms for settlement of disputes such as arbitration, mediation and conciliation, the establishment of neighbourhood courts, the Department of Public Prosecutions Act, under which the Department is considered as a functional body in the administration of justice, and a draft reform of the Code of Civil and Commercial Procedure for the purpose of oral proceedings in those forums.

14. The Criminal Courts Act - Act No. 24,050 of 1991 - changed the membership of the judiciary to bring it into line with the provisions of the new Code of Criminal Procedure. Under article 1, the competent courts are the following:

(a) The Supreme Court of Justice;

(b) The National Court of Criminal Cassation;

(c) The oral proceedings courts for criminal cases; economic offences; criminal and correctional cases for the federal capital and federal courts in the provinces;

(d) The national criminal investigation courts, correctional courts for economic offences, the juvenile criminal courts for the federal capital and federal courts in the provinces;

(e) The national criminal enforcement courts;

(f) The national criminal court of appeals;

(g) Any other bodies established by law.

15. The above-mentioned Act also divided the country into 16 judicial districts, and the federal capital into seven judicial zones, and established the relevant oral proceedings courts, appeals courts and ordinary courts (see arts. 3 and 4). The new institutions include:

(a) The Court of Criminal Cassation, composed of 10 members, with jurisdiction over the entire country, considered for this purpose to be a single jurisdiction;

(b) The oral proceedings courts (in the past proceedings were generally written, and only a few provinces used the system of oral proceedings);

(c) The criminal enforcement courts, in which the judges are competent to monitor the enforcement of all constitutional guarantees and international treaties ratified by Argentina, as regards treatment of prisoners, detainees and persons subject to security measures (together with other powers set out in chapter V of the new Code of Criminal Procedure);

(d) The judicial police - the members of which must be lawyers and have the qualifications for clerk or deputy clerk of the national courts (Decree-Law No. 1285/58, art. 12) - who are responsible for coordinating the work of the police with that of the judges and Department of Public Prosecutions, and providing the requisite technical cooperation for proper discharge of the duties of the competent judicial body (arts. 33-37);

(e) The legal assistants for preliminary matters, with the following tasks: Informing judges that offences have been committed, conducting investigations at the request of the examining magistrate, his clerks or the representative of the Department of Public Prosecutions, helping and informing lawyers and monitoring the proper observance of standards concerning the rights and guarantees of witnesses, victims, accused persons and any other person involved in the investigation, with the obligation immediately to report to the competent judicial body if any of their rights are infringed (arts. 37-39);

(f) The Office for Advice and Assistance to Victims and Witnesses, headed by a specialist in victimology or a related field, to be assisted by an interdisciplinary team made up of social workers, psychologists and lawyers, appointed by the Court of Criminal Cassation, to which this Office will be directly accountable (see art. 40).

II. ADMINISTRATIVE AUTHORITIES WITH JURISDICTION IN HUMAN RIGHTS MATTERS

16. The Under-Secretariat for Human and Social Rights, a part of the Ministry of the Interior, has been continuing its policy of promotion and protection of human rights by publicizing them and ensuring that they are actually enjoyed, in both national and international events. They include a joint agreement with the Ministry of Culture and Education on Human Rights Education with Priority on the Rights of the Child, the First Seminar on Policies to Guarantee the Human Rights of Children and Adolescents, the Constituent Assembly of the Federal Council on Human Rights and coordination of the National Convention on the Right to an Identity and the Committee to Combat Discrimination in Employment against HIV-Positive Persons or Persons with AIDS.

17. The National Technical and Pre-Trial Department, which is subordinate to the Under-Secretariat for Human and Social Rights, has the chief responsibility for dealing with all legal and administrative aspects of human rights. To that end, it is empowered to receive reports of alleged or potential acts of discrimination or violation of human rights; take the necessary steps to verify the reports prima facie and - if necessary - inform the competent judicial and administrative authorities; expedite and follow up proceedings in human rights cases, with the possibility of requesting any measures that might help substantiate such reports, provide the Department of Public Prosecutions with specific technical advisory assistance in human rights matters and request hearings on judicial and administrative matters relating to human rights; ask for internal files, notes or any other information held in government offices about specific cases that might lead to the clarification of alleged violations of human rights. Finally, the Department is the executing body for Decree No. 70/91 and Act No. 24,043, two laws that establish a system of compensation for persons who have been arbitrarily deprived of their liberty or unlawfully detained.

18. The Under-Secretariat for Human Rights and Women, a part of the Ministry of Foreign Affairs, External Trade and Worship, is responsible for human rights matters outside Argentina. Its head, Ambassador Zelmira Regazzoli, chairs the Inter-American Commission on Women. Under Decree No. 2,342/92, the President established a national commission to prepare an Argentine paper on human rights for submission to the World Conference on Human Rights in Vienna, a commission headed by the Ministry of Foreign Affairs' Under-Secretariat for Human Rights and Women and one in which representatives of the Ministries of the Interior and Justice and both Chambers of Congress participated. The Under-Secretariat also works actively to publicize and implement international refugee law. It is a member of CEPARE (Committee on Refugee Eligibility), a division of the National Department of Immigration.

19. On 30 November 1992, a Rights and Guarantees Committee was established by the Chamber of Deputies.

III. INFORMATION ON ARTICLES 1 TO 27 OF THE COVENANT

Article 1

20. The Government fully reiterates the information provided on this point in its previous report to the Committee.

Article 2

Paragraph 1

21. The National Institute of Indigenous Affairs, a part of the Ministry of Health and Social Welfare, has, in compliance with the provisions of Act No. 23,302 and Decree No. 155/89 laying down regulations on the Act, tackled the implementation of the Aboriginal Communities Register. Once it is registered, an indigenous community automatically acquires legal personality. To date, 74 communities in the province of Salta have registered. In addition, a programme is being conducted for the promotion of aboriginal communities, and has covered over 5,000 members of different communities. Activities have included three projects, on bee-keeping and agriculture, carpentry, and brickmaking and housing construction.

22. Decree No. 1,033/92 provides for a new system of regularization of immigrants for persons from Bolivia, Uruguay, Chile, Brazil, Paraguay, Ecuador and Peru. The Decree helps persons from those border countries whose situation had not been regularized to settle in Argentina, thus eliminating pockets of illegal immigrants that had emerged as a result of the restrictive criteria laid down in article 15 of Decree No. 1434/87. These have been suspended until such time as the new guidelines are set for immigration policy.

23. Progress has been made on projects designed to solve the immigration problem by drawing special attention to this subject in the interest of promoting social welfare. For example, in early 1993 an agreement was concluded between the Episcopal Conference on Migration, in which guidelines were set for the cooperation to be provided by the Argentine Catholic Commission on Migration for the purpose of regularizing the situation of immigrants. At the same time, two meetings of the Permanent Forum of Ministers of the Interior of South America were held, in Santiago, Chile, and Buenos Aires, with a standard scheme for "migrating and living abroad" designed to bring legislative differences in this field into line.

Paragraph 2

24. The judicial reform initiated by the Government is designed to obtain better administration of justice in a context of legal security and is without question a means of bringing the Argentine legal system into line with the provisions of the Covenant in order fully to guarantee the rights it

recognizes. The new Code of Criminal Procedure, to which reference shall be made, has introduced a system of oral proceedings to make the criminal process credible and dynamic.

Paragraph 3

25. As to the State's pledge to provide anyone whose rights have been violated with the possibility of filing an effective remedy before the competent authority, it should be noted that, in view of the situation of persons who were placed at the disposal of the Executive or deprived of their freedom as a result of acts by military courts during the period in which the state of siege was in force - 24 March 1976 to 10 December 1983 - and who for obvious reasons were not able to obtain compensation: under Decree No. 70 and Act No. 24,043 the Government established a system of compensation. The amount is increased in cases of death or serious injury. The system is intended to compensate for the harm caused to such people by the arbitrary deprivation of their liberty and provide an equitable solution to those situations in which the strict and objective application of the rules of law would produce inequitable results.

Article 3

26. In 1991 Congress ratified the Quota Act - Act No. 23,012 - which lays down an obligation for political parties to ensure that 30 per cent of their lists of candidates for posts to be filled are women, in proportions that will give them the possibility of being elected.

27. In 1992, in order to continue and strengthen the work begun in 1991 by the Coordinating Council for Public Policies on Women, the President, under Decree No. 1,426, established the National Council on Women, which ranks as a State ministry. The Council's principal task is to achieve nationwide fulfilment of the international commitments entered into by Argentina when it ratified the United Nations Convention on the Elimination of All Forms of Discrimination against Women.

28. The Government assigned the Council responsible for promoting the incorporation of women's needs and interests in all public policies. As an example, in 1992 the Government established the Cabinet of Presidential Advisers, consisting entirely of women, whose job is to put into practice a Three-Year Equal Opportunity Plan to cover all areas of public policy, with the participation of the Council on Women in helping the Executive promote policies that take women's priorities and needs into account.

Article 4

29. With regard to the suspension of obligations under the Covenant in situations of emergency, the information contained in the previous report still holds good.

30. The Government would like to inform the Committee that, since it began its term in office on 9 July 1989, no situations requiring measures such as those envisaged in article 4 have occurred. Republican institutions and

mechanisms fully operate and this means there has never been a situation in which the state of siege described in article 23 of the Constitution has been imposed.

Article 5

Paragraphs 1 and 2

31. The information on this subject given to the Committee in the previous report continues to be valid.

32. In a judgement rendered in 1992 in the case, "Ekmekdjian, Miguel A. v. Sofovich, Gerardo and others", the Supreme Court of Justice gave its opinion on the relationship between the international treaty law that binds the Argentine State and Argentina's internal legislation, emphasizing the operative nature of the treaties in force for Argentina. The Court held that: "In the Argentine legal system, the right to correct the record or right of reply is provided by article 14 of the American Convention on Human Rights, or Pact of San José, Costa Rica, which, when it was adopted under Act No. 23,054 and ratified by the Government on 5 September 1984, became part of the nation's supreme law, in conformity with the provisions of article 31 of the Constitution" (preambular para. 15). Again, the Court stated: "... when the nation ratifies a treaty concluded with another State, there is an international obligation for its administrative and judicial organs to apply that treaty in all matters within the purview of that treaty provided it contains sufficiently concrete descriptions of those matters to make immediate application possible." (preambular para. 20).

Article 6

33. On this point the information provided in the previous report continues to be valid. Nevertheless, in view of the Committee's indications in the Manual on Human Rights Reporting (HR/PUB/91/1), the following additional information is deemed to be relevant.

34. In 1991 the Ministry of Natural Resources and the Human Environment was established, as part of the Office of the President. The reasons for its establishment were, among others, to guide, coordinate and make available all means conducive to the promotion, recovery and improvement of the quality of life of the country's inhabitants. To this end legislation is being enacted to protect the right of everyone to develop his or her potential in a healthy and protected environment.

35. The Mother and Child Health Care Programme, which is one of the activities conducted by the Ministry of Health and Social Welfare, covers the whole of the country. It is intended to reduce the infant mortality rate, maintain high vaccination coverage, eradicate neonatal tetanus, decrease maternal mortality for avoidable reasons, eliminate severe malnutrition and provide services adapted to adolescents' needs.

36. The social plan being implemented by the Government nationwide contains several items relating to the right to health. The Ministry of Health and Social Welfare has begun transforming the public hospital and medical care system, which is being financed by a compulsory contribution to charitable works.

Article 7

37. There is no new information, and the reader is referred to the previous report in this regard.

Article 8

38. The 1853 Constitution lays down an absolute prohibition against subjecting anyone to slavery and purchasing and selling persons, thereby laying the legal foundations in this matter. Similarly, as regards servitude, article 17 states that "No one shall be required to perform a personal service". As far as this matter is concerned, nothing need be added to what was said in the previous report, without prejudice to any additional information that might be supplied for the Committee in accordance with the suggestions contained in the Manual on Human Rights Reporting.

39. Public service is compulsory only under the conditions set out in the relevant laws. For example, article 21 of the Constitution says that "Every Argentine citizen must take up arms in the service of his country and of this Constitution, in conformity with the laws on this matter enacted by Congress and the decrees of the National Executive".

40. Article 14 of Act No. 17,622, establishing the National Statistics and Census Institute, states that persons required to do statistical and census-related work for the public authorities are under an obligation to perform those duties, subject to the penalties established by law, unless they fall within the exceptions listed in the regulations issued by the Executive.

41. Similarly, the Electoral Code stipulates that the functions assigned to the voters by the Code are a public duty, and therefore cannot be relinquished.

Article 9

42. The Government points out that the information on this article provided in its previous report is still to be valid, with the exception of those points that have been amended and are now governed by the provisions of the new Code of Criminal Procedure, as follows:

"Restrictions on liberty

Art. 280. In accordance with the provisions of this Code, personal liberty may be restricted only to the extent absolutely essential to ensure that the truth is revealed and the law implemented. Arrests and detentions shall take place with the least possible harm to the person and reputation of the individuals concerned, and with an order drawn up

for them to sign, if they are capable, informing them of the reason for the procedure, the place to which they are to be taken and the judge who is to preside.

Art. 281. If, in the early stages of an investigation into an act in which several people have participated, it is not possible to determine who are the perpetrators and the witnesses, and the proceedings cannot be interrupted without jeopardizing the investigation, the judge may rule that those present cannot leave the places or communicate with one another until they have made a statement, and may even order an arrest if absolutely necessary. Both measures cannot be extended longer than is strictly necessary to receive the statements, which shall be done without delay and cannot last more than eight (8) hours. That period may, however, be extended for another eight (8) hours, by court order, if special circumstances so require. Once this time period has elapsed, an order may be issued to detain the person presumed to be guilty, if appropriate.

Art. 282. When the offence being investigated does not carry a custodial sentence or a suspended sentence appears to be appropriate, the judge may order the accused to appear by simple summons, except in cases of flagrancy. If the person summoned does not appear in time or show that he has been legitimately prevented from doing so, an order shall be issued to detain him.

Art. 283. Except as provided for in the previous article, the judge shall issue a detention order for the accused to be brought before the court, provided there is reason to receive the accused's statement. The order shall be in written form and shall contain the accused's personal or other particulars to identify him and the act attributed to him, and he shall be notified at the time the order is executed or immediately thereafter, in accordance with article 142. However, in cases of extreme urgency, a judge may issue the order verbally or by telegraph, this being noted in the record.

Art. 284. It is the duty of police officers and assistants to detain the following, even without a court order:

(1) Anyone who attempts to commit a prosecutable offence that carries a penalty of deprivation of liberty, at the moment he is preparing to do so;

(2) Anyone who escapes while lawfully detained;

(3) Exceptionally, anyone against whom there is strong evidence of guilt, in the event of imminent danger of flight or serious delay in the investigation, for the sole purpose of immediately bringing the person before the competent court to order his arrest; and

(4) Anyone who is surprised <u>in flagrante delicto</u> committing a prosecutable offence carrying a penalty of deprivation of liberty.

If the offence involved can only be prosecuted at the request of a private party, that party shall be so informed, and if he does not immediately press charges, the detainee shall be released.

Art. 285. Flagrancy is considered to occur when the perpetrator is surprised in the act of committing the offence or immediately thereafter; or when he is being pursued by a police officer, the injured party or members of the public; or when there is strong reason to believe that he has just participated in an offence.

Art. 286. Any police officer or assistant who has carried out an arrest without a legal warrant must bring the detainee before the competent judicial authority immediately, within a period of no more than six (6) hours.

Art. 287. In the cases described in article 284, paragraphs 1, 2 and 4, individuals are empowered to carry out an arrest, after which they must immediately hand the person under arrest over to the judicial or police authority.

Exemption and release from prison

Art. 316. Anyone who is considered to be accused of an offence in a particular criminal case, regardless of the stage in the case and until such time as pre-trial detention is ordered, may on his own account or through third parties request the judge to consider exempting him from prison. The judge shall determine the act or acts involved, and when the accused is liable to not more than eight (8) years of deprivation of liberty, the judge may exempt the accused from prison. The judge may also do so if he believes prima facie that there are grounds for a suspended sentence. If it is not known who the judge will be, the request may be addressed to the judge on duty who shall assign it to a judge and refer the request to him as necessary.

Art. 317. Release may be granted:

(1) Under the same circumstances as those applicable to exemption from prison;

(2) If the accused has served, in pre-trial detention or custody, the maximum penalty stipulated in the Penal Code for the crime or crimes of which he is accused;

(3) If the accused has served, in pre-trial detention or custody, the penalty requested by the prosecutor, and this appears at first sight to be sufficient;

(4) If the accused has served the penalty for a non-enforceable sentence.

(5) If the accused has served, in pre-trial detention or custody, a period of time which, had he been convicted, would have enabled him to obtain conditional release, provided that prison regulations have been observed.

Art. 318. Release from prison may be granted at any stage of the process, either automatically or at the request of the accused or his counsel, or if the accused has appeared spontaneously or has been summoned to appear in accordance with the provisions of articles 279 and 282 respectively.

If the request has been made before the initiating order was issued, the judge shall take into account the characterization of the act with which the person is charged or appears to have committed, without prejudice to revoking or altering his decision when the accused's situation is resolved; if this is done subsequent to the initiating order, the judge shall comply with the characterization of the act as set forth in the order.

Art. 319. Exemption or release from prison may be denied, with observance of the principle of innocence and article 2 of this Code, when an objective temporary assessment of the features of the offence, the possibility of recidivism, the personal circumstances of the accused or the fact that he has previously been granted releases provide good reason to believe that he will attempt to escape justice or interfere with the investigations.

Art. 320. Exemption or release from prison will be granted, as necessary, with security by way of a sworn undertaking or personal guarantee. The sole purpose of such security is to ensure that the accused will fulfil the obligations to which he is subject and the orders of the court and, if necessary, will comply with a conviction.

The judge shall order bail that will provide grounds for the accused to refrain from breaching his obligations.

It is strictly prohibited to set bail that the accused is unable to meet, in view of his personal situation, the characteristics of the offence attributed to him or his personality."

43. As to the treatment and rehabilitation of drug addicts, mention should be made of the establishment, in 1991, of the Office of the Programme for Preventing Drug Addiction and Combating the Drug Traffic, which comes under the direct authority of the President.

44. The Narcotics Act, Act No. 23,737 of 1989, is a comprehensive tool for dealing with the complex phenomenon of the traffic and consumption of psychoactive substances in that it determines offences in this field and their penalties and establishes both curative and educational measures.

45. The Programme of Assistance to Low-income Families and Individuals has been implemented by the above-mentioned Office. The Programme provides for proper treatment of the drug-dependent individual and his family unit.

46. Similarly, one of the purposes of the current National Epidemiological Research Programme on the Illegal Use of Drugs is to establish treatment, rehabilitation and reintegration centres for the prison population, as well as jointly-administered public treatment centres.

47. With regard to juvenile offenders, the National Council on Minors and the Family, a division of the Ministry of Health and Social Welfare, in coordination with other bodies such as the judiciary, provincial and municipal governments, the Ministry of the Interior and community bodies, is conducting joint programmes to implement the Programme of Assistance to Young People on Parole.

Article 10

48. In connection with this article, mention should be made of some of the provisions of Book V, Execution of Sentences, of the new Code of Criminal Procedure:

> "Art. 490. Judicial decisions shall be enforced by the court that issued them or the enforcement judge, as appropriate, who will be competent to resolve all matters or incidents that might arise while the decision is being enforced and will make any notification required by the law.
>
> Art. 491. Interlocutory matters may be raised by the Department of Public Prosecutions, the accused or his counsel and will be settled within a five-day period after the opposing party has been heard. The plaintiff shall not participate.
>
> Art. 492. Acquittals will be enforced by the trial court, immediately, even if an appeal has been filed. In that case, the court will make the corresponding entries and notifications.
>
> Art. 493 ... The enforcement judge shall be competent to:
>
> (1) Monitor observance of all constitutional guarantees and international treaties ratified by the Argentina Republic, in the treatment given to convicted prisoners, detainees and persons subject to security measures;
>
> (2) Monitor observance by the accused with the instructions and requirements laid down in the event of suspension of proceedings;
>
> (3) Monitor compliance with convictions handed down by the Judiciary;
>
> (4) Settle any incidental matters that may arise during this period;
>
> (5) Cooperate in the reintegration of parolees in society.
>
> Art. 494. When a person sentenced to deprivation of liberty is not in custody, an order will be issued to arrest him, unless the sentence does

not exceed six (6) months and there is no reason to suspect that he will try to escape. In such cases, he shall be notified that he will be taken into custody within five (5) days.

If the convicted person is in custody or is arrested, an order shall be issued to hold him in the appropriate prison, whose administration will be informed of the length of sentence and given a copy of the judgement.

Art. 495. Enforcement of a sentence of deprivation of liberty may be deferred by the trial court only in the following cases:

(1) When it is to be served by a woman who is pregnant or who has a child under six (6) months of age at the time she is sentenced;

(2) When the convicted person is seriously ill and, in the opinion of officially designated experts, immediate enforcement of the sentence may endanger his life.

When these circumstances cease to exist, the sentence shall be carried out immediately.

Art. 496. The enforcement court may authorize the prisoner to leave the prison where he is being held, for a reasonable period of time, and be taken in custody, to fulfil his moral duty in the event of the death or serious illness of a close relative. This shall not signify a suspension of the sentence. Detainees on trial shall also benefit from this treatment.

Art. 497. If, during the execution of a sentence of deprivation of liberty, the prisoner shows signs of suffering from an illness, the enforcement court, in accordance with the opinion of officially-designated experts, shall order him to be admitted into an appropriate establishment, if it is not possible to care for him in the place at which he is being held or it involves a serious threat to his health. The period will count as part of the sentence, provided the prisoner is deprived of his liberty during this time and his illness has not been simulated or contracted in order to avoid the sentence. Convicted prisoners, without distinction as to sex, may receive periodic private visits, which shall be held with consideration for decency, discretion and order in the establishment.

Art. 502. House arrest, as established in the Penal Code, shall be conducted under the inspection or supervision of the police authority, for which the enforcement court shall issue the necessary orders. If the prisoner acts in breach of his sentence, he will be taken to serve it in an appropriate establishment.

Art. 505. Requests for conditional release shall be processed immediately by the administration of the establishment at which the prisoner is being held and he may appoint a lawyer to participate in the proceedings.

> Art. 511. Temporary or final enforcement of a security measure shall be supervised by the enforcement court. The authorities of the establishment or place in which it is carried out shall provide the court with the necessary information, to which end it may request expert assistance.
>
> Art. 512. The judicial body competent to order the enforcement of a security measure shall issue the necessary instructions to the enforcement judge and set time-limits within which it must be notified of the condition of the person under the measure or of any other relevant circumstance. Such instructions may be altered while being carried out, if necessary, by notifying the enforcement court. There is no possibility of appeal against these decisions.
>
> Art. 513. When the measure consists of the private placement of a minor, the enforcement judge, parent or guardian or the establishment are bound to facilitate inspection or supervision by juvenile officers assigned that task by the judicial body that ordered the measure. ... The information from the officers may refer not only to the minor's person, but also to whether or not he is living in an appropriate social environment".

49. The current state of the prison system is closely connected with the reform of criminal justice. The Government has undertaken a process to restructure the prison system, as regards both substance, staff training and physical and material aspects.

50. Agreements are being prepared between the Ministry of Justice, the Ministry of Education and the University of Buenos Aires, to complete the updating of the academic aspects of the prison profession and also to improve the current system of university education for prison inmates.

51. Similarly, a project on house arrest is under review and will soon be submitted to Congress, in order to achieve the goals of greater humanity, increasing efficiency and relieving overcrowding in the prison system.

52. The Government, considering that the purpose of sentences is the social rehabilitation of convicted persons and that it would be better for citizens serving custodial sentences abroad to be able to serve their sentence in their own country, has concluded treaties for this purpose with the Kingdom of Spain and the United Mexican States and they are now fully operative.

53. To ensure prompt and effective protection of the rights of inmates in the federal penitentiary system, the Executive issued Decree No. 1,598/93, establishing the Office of the Government Procurator for the Prison System. His purposes, duties and guarantees of stability and independence for the fulfilment of his task are set out in the Decree, the relevant articles being the following:

> Art. 1. Under the authority of the Executive the Office is hereby created of the Government Procurator for the Prison System, outside the hierarchy having the rank of Under-Secretary, who shall perform his duties within the purview of the Ministry of Justice of the nation.

Art. 2. The person holding this office shall protect the human rights of inmates in the federal penitentiary system, under the conditions and by the procedures laid down in this Decree and the regulations thereto.

Art. 3. The Government Procurator for the Prison System shall be appointed by the Executive for a four-year period, which may be extended for one further four-year period. He may only be removed for poor performance of his duties or for a conviction of a wilful wrong in an enforceable judgement.

Art. 6. The Procurator shall not be subject to any compulsory mandate or receive instructions from any authority whatsoever. He shall perform his duties independently, according to his judgement, and shall have exclusive power to determine which cases he will examine; his decisions shall not be binding and they shall be in the nature of recommendations or proposals.

Art. 9. The Government Procurator for the Prison System shall perform his duties with a view to safeguarding the human rights of all convicted and unconvicted prisoners held in institutions in the federal penitentiary system, as laid down by national law and the international conventions to which Argentina is a party.

Art. 10. All public administration bodies, both centralized and decentralized, whatever their legal nature, shall be under an obligation to cooperate with the Government Procurator for the Prison System.

Art. 11. In order to accomplish his task, the Government Procurator for the Prison System may:

(a) Request files, reports, documents, background information and any other items he believes will help him accomplish his task;

(b) Conduct inspections, verifications, audits or any other measure conducive to clarification of the facts under investigation;

(c) Summon officials and employees of the above-mentioned bodies and agencies to his office to provide him with explanations and information on the events he is investigating. He may also enlist the cooperation of individuals for the same purpose;

(d) File a criminal charge when an act under investigation appears to have the characteristics of an offence;

(e) Inform the judge in the case or the enforcement judge, as appropriate, of the steps he has taken.

Art. 12. Correspondence addressed to by inmates to the Procurator may not be checked in advance by the prison authority nor may it be kept by the authority on any account.

Art. 13. In addition to exercising the powers authorized by this Decree, the Government Procurator for the Prison System may:

(a) Publicize their rights among the inmates;

(b) Propose the necessary steps for clarifying the administrative responsibilities incurred by officials in undermining inmates' rights;

(c) Suggest reforms of the legal standards applicable to inmates in order make their rights more effective."

Article 11

54. The statement in the previous report that imprisonment for debt does not exist in Argentine law is still to be valid.

Article 12

55. Freedom of movement for all inhabitants which is set out in the Constitution, continues to be fully respected, as stated in the initial report.

Article 13

56. The Decree on the Regularization of Immigrants, referred to in the Introduction, provides for the preparation and submission to Congress - by the Executive - of a bill containing a new population policy and immigration criteria. This programme is now fully under way, with over 25,200 persons having applied to regularize their immigrant status and put their papers in order as of 30 November 1992.

57. On the basis of the President's initiative to make Argentina once again a host country for immigrants from overseas, the Population Department of the Ministry of the Interior, with the cooperation of the International Organization for Migration (IOM), prepared a programme for settling Eastern European immigrants with capital. The programme was submitted to the European Economic Community, which offered its cooperation in preparing a joint feasibility study for the project.

Article 14

58. The following provisions of the new Code of Criminal Procedure should be added to the information contained in the previous report:

"Art. 1. No one may be tried by courts other than those designated in accordance with the Constitution and having jurisdiction under the regulatory laws, or punished without a sentence based on an existing law pertaining to the act being judged and substantiated in accordance with the provisions of that law, or considered guilty unless an enforceable sentence disproves the presumption of innocence which all accused persons enjoy, or criminally prosecuted more than once for the same offence.

Art. 2. Any legal provision which limits personal liberty or the exercise of a right granted by this Code or which establishes procedural penalties, must be interpreted restrictively.

Criminal laws cannot be applied by analogy.

Art. 3. In cases of doubt, the interpretation that is more favourable to the accused shall apply.

Art. 72. The rights of accused persons under this Code may be invoked, at any stage through to completion of the proceedings, by anyone who is detained or in any way indicated as having participated in an offence. When detained, the accused or his relatives may make their requests in any form whatsoever to the official in charge of custody, who will immediately communicate them to the competent judicial body.

Art. 73. A person who has been accused of committing an offence that is currently being investigated is entitled, even if he has not been charged, to appear personally before the court with his counsel, to clarify the acts and indicate what evidence, in his opinion, might be useful.

Art. 104. The accused has the right to be defended by a Bar Association lawyer whom he trusts or by a court-appointed lawyer; he may also defend himself in person, provided that does not impair the effectiveness of the defence or obstruct the normal course of the proceedings. If so, the court will order him to choose a lawyer within a period of three (3) days; otherwise a lawyer will be designated automatically. In no case may an accused be represented by proxy. The designation of the lawyer by the accused, without an explicit sign to the contrary, shall signify that the lawyer has been given a mandate to represent the accused in the civil proceedings.

This mandate shall continue as long as it has not been revoked.

The accused may designate a lawyer by any means whatsoever, even if he is being held incommunicado.

Art. 184. Police and security force officers shall have the following duties:

Para. 9. Use of force to the extent necessary.

They may not receive a statement from the accused. They may only question the person to determine his identity, once they have read out to him the rights and guarantees contained in articles 104, first and last paragraphs, 197, 295, 296 and 298 of this Code, applicable by analogy to the case, subject to the proceedings being declared invalid if this is not done and without prejudice to the judge's communicating this omission to the officer's superior, who will order the appropriate administrative penalty for such a serious breach of duty.

If the accused gives urgent reasons for wishing to make a statement, the police or security force officer shall inform him that he might have to make an immediate statement before the examining magistrate.

Police and security force auxiliaries shall have the same duties in urgent cases or when they are carrying out court orders.

Art. 197. At the first opportunity, including during the preliminary police proceedings, but in any event before the questioning, the judge shall invite the accused to choose a lawyer; if the accused does not do so or if the lawyer does not immediately accept the case, the judge shall proceed in accordance with article 107. Defence counsel may talk to his client immediately before the proceedings mentioned in article 184, penultimate paragraph, and article 294 are begun; otherwise the proceedings are invalid. If the accused is held on remand, the person indicated by him shall be informed of the place at which he is being held.

Art. 294. When there are sufficient grounds to suspect that a person has participated in the commission of an offence, the judge will proceed to question him; this shall be done immediately, if he is already being held, or not more than twenty-four (24) hours after he is placed in detention. This may be extended for the same period when the judge has not been able to receive the statement, or when the accused so requests in order to appoint a lawyer.

Art. 295. Only defence counsel and Government Procurator may be present when the accused reads his statement. The accused shall be informed of this right before he begins his statement.

Art. 296. The accused may refrain from making a statement. In no case may he be required to take an oath or promise to tell the truth, nor may any coercion, threats or any other means whatsoever be used to force him, persuade him or cause him to make a statement against his will, nor may any claims or counterclaims be used to extract a confession from him.

Failure to observe this provision will nullify the proceedings, without prejudice to criminal or disciplinary responsibility, as appropriate.

Art. 297. ... The judge shall invite the accused to give his name, surname, nickname or alias if he has one; age, civil status, occupation, nationality, place of birth, principal domiciles, previous places of residence and living conditions; whether he knows how to read and write; parents' name, civil status and occupation; whether he has been prosecuted before, and if so, on what grounds, by what court, what sentence was handed down and whether it was served.

Art. 298. Once the identification questioning is over, the judge shall inform the accused in detail of the act with which he is charged and what the evidence is against him and that he can refrain from making a statement without his silence implying a presumption of guilt.

If the accused refuses to make a statement, this shall be placed on record. If he refuses to sign it, the reason shall be stated in the record.

Art. 299. If the accused does not object to making a statement, the judge shall invite him to state whatever he feels is appropriate in answer or as an explanation of the facts and to indicate what evidence he finds suitable. Unless the accused prefers to dictate his statement, it will be faithfully placed on record, in his own words as far as possible.

Once this is done, the judge may ask the accused whatever questions he deems appropriate, clearly and precisely and never deceitfully or speculatively. The deponent may dictate his replies, which will not be urged upon him. The prosecutors and defence counsels shall have the duties and functions assigned to them under articles 198 and 203.

If during these proceedings the accused shows signs of fatigue or agitation, the statement shall be halted until they disappear.

Art. 300. Before the accused's statement has been completed, or after the accused has refused to give one, the judge shall inform him of the legal provisions governing conditional release.

Art. 301. Once the questioning is over, the record will be read aloud by the clerk, on pain of annulment; this fact shall be mentioned, and the accused or his counsel may also read the record.

When the deponent wishes to conclude or correct any of his statements, this information will be placed on record without anything written being altered.

The record of the proceedings will be signed by all those present.

If anyone present cannot or does not wish to sign the record, this will be stated in the record and will not affect its validity. The accused has the right to initial all the pages of his statement, either in person or through his counsel.

Art. 307. On penalty of annulment, proceedings cannot be ordered against the accused unless a statement has been received from him or it is stated in the record that he has refused to make a statement."

59. In the case of juveniles under 18 years of age, proceedings will be in accordance with the ordinary provisions of the Code, and the rules on minors, which are listed below:

"Art. 76. ... If the accused is under 18 years of age, his rights may be exercised by his parent or guardian.

Art. 411. ... A juvenile shall be detained only when there are grounds for presuming that he will not comply with a summons or will attempt to destroy the traces of his act, will try to agree with his accomplices or persuade them to make false statements.

In such cases, the juvenile will be housed in a special institution or section, different from those for adults, chosen according to the nature and method of execution of the act of which he is accused, his age, psychological development and other factors and social adaptability.

Any measures concerning him will be adopted after an opinion has been sought from the Consultant on Juveniles.

Art. 412. As far as possible, the court shall avoid having the juvenile present during investigation proceedings and shall observe the provisions of article 76 on this matter.

It may provisionally order any juvenile under its jurisdiction to be returned to the care and upbringing of his parents or another person or an institution which, because of its past history and circumstances, offers moral safeguards, after the examination proceedings have been completed, after the persons involved have been heard and after the Consultant on Juveniles has issued an opinion.

In such cases, the court may delegate someone to exercise direct protection and supervision of the juvenile and periodically inform it of the juvenile's behaviour and living conditions."

Article 15

60. The information provided to the Committee in the previous report continues to be valid.

Article 16

61. There is nothing to add to the previous report in connection with this article.

Article 17

62. As to the matters in this article, the following provisions of the new Code of Criminal Procedure on correspondence and house and body searches should be added to the information provided by the Government:

"Art. 185. Police and security officers cannot open any correspondence they confiscate, but must submit it intact to the competent judicial authority; in urgent cases, however, they may address themselves to the closest authority, who will authorize it to be opened if deemed appropriate.

Art. 224. If there are grounds to believe that a certain place contains objects relevant to the offence or that the accused or another person who has fled or is suspected of a criminal act is being held there, the judge shall, under a substantiated warrant, order the place to be searched ...

Art. 225. When the search is to be conducted in an inhabited place or its closed annexes, the order may only be executed between sunrise and sunset. However, it may be carried out at any time whatsoever when the person in question or his representative agrees, in extremely serious and urgent cases or when public order is endangered.

Art. 226. The stipulations in paragraph 1 of the preceding article shall not apply to public buildings and administrative offices, meeting places or recreational establishments, premises of associations or any other closed place not intended for private habitation or residence. In such cases the persons in charge of the premises shall be notified, except when this may be harmful to the investigation. For entry into and search of Congress, the judge shall require authorization from the President of the respective Chamber.

Art. 227. Notwithstanding the provisions of the foregoing articles, the police may search a home without a warrant when:

(1) Fire, explosion, flooding or other damage threatens the life of the inhabitants or the property itself;

(2) It is reported that unknown individuals have been seen entering a house or other premises, with obvious signs of intention to commit an offence;

(3) When the house or premises are entered by someone who is accused of an offence and is wanted for arrest;

(4) Cries from a house or other premises state that a crime is being committed there or ask for help.

Art. 228. Notice of the search warrant shall be given to the occupant or owner of the place at which the search is to be carried out, or in his absence, to his representative, or in the absence of the representative, to any person of full age on the premises, preferably the occupant's relatives. The person notified will be invited to witness the search ...

Art. 229. When, in order to perform his duties or for reasons of hygiene, morality and public order, any competent authority needs to conduct a house search, a request for a search warrant will be made to the judge, stating the reasons for the request. In deciding whether to issue the warrant, the judge may ask for any information he deems necessary.

Art. 230. The judge shall, under a substantiated warrant, order a person to be searched provided there is sufficient reason to believe that the person is hiding on his body objects connected with an offence. Before the measure is carried out, the person may be invited to produce the object in question.

Searches shall be conducted privately, with respect for the individual's modesty. If the person being searched is a woman, the search shall be conducted by another woman ...

Art. 234. If he considers it necessary in order to clarify an offence, the judge may, under a substantiated warrant, order postal or telegraphic correspondence or any other article sent by or to the accused, even if under an assumed name, to be intercepted and confiscated.

Art. 235. Once the intercepted correspondence or articles are received, the judge will proceed to open them in the presence of the clerk of the court, this being stated in the record. He shall examine the objects and read for himself the contents of the correspondence. If they have any bearing on the case, he will order them to be confiscated; if not, he will set them aside and order them to be handed over to the addressee, his representatives or close relatives, this being placed on record.

Art. 236. The judge may, under a substantiated warrant, order interference with the accused's telephone calls or any other means of communication, for the purpose of obstructing them or learning their contents.

Art. 237. Letters or documents sent or delivered to defence lawyers to help them perform their task shall not be confiscated.

Art. 238. Removed objects not confiscated or returned shall be restored to the person from whose possession they were taken, once they are no longer needed. They may be ordered returned provisionally, on deposit, and an obligation laid down for the person holding them to produce them whenever he is required to do so. The effects removed shall be returned, under the same conditions, to the injured party, unless the person holding them in good faith is opposed to such a course".

Article 18

63. A detailed list was given in the previous report of the legislation, at both the national and the provincial levels, setting out the rights protected in this article.

64. It should be added that, as regards religion, the national community has lived productively, without the scourge of religious wars. Indeed, freedom of worship, which is recognized in the Constitution, has been a stimulus for all the inhabitants to cooperate, in a spirit of mutual respect, in building a fairer and more mutually supportive country.

65. On 27 October 1992, the Executive submitted a bill on religious freedom to Congress. The bill sets out a modern and effective system for the protection of religious freedom and relations between the State and the various churches, communities and denominations in the country. In addition, all persons living in Argentina are reassured of the right to freedom of conscience and religion, and activities are arranged to protect them.

66. On the issue of conscientious objection to military service, the Parliamentary Defence Commission is examining a bill on military service.

Article 19

67. With regard to freedom of expression, it should be noted that Act No. 24,198 of 1993 repealed the criminal offence of "contempt".

Article 20

68. Concerning this article, the reader is referred to the discussion in the previous report. It should nevertheless be emphasized that new foreign policy positions were adopted by Argentina, in the light of the substantial changes in and strengthening of the role of the United Nations, particularly as regards peace-keeping and international security.

69. This has produced an increase in national participation in United Nations peace-keeping operations, for which Argentina provides approximately 900 men, and UNIKOM in the Persian Gulf (one Engineers' Unit).

Article 21

70. The information on freedom of assembly provided in the previous report continues to be valid.

Article 22

71. In addition to the information provided in the previous report, a few comments may be of interest to the Committee.

72. The Constitution guarantees "free and democratic trade union organization, recognized as simple inclusion in a special register" (art. 14 bis). Being a special form of the right to associate for useful purposes, trade union freedom includes - for the worker - the power to found trade unions and to join or leave unions already in existence. With regard to the question of compulsory trade union membership in a given trade, the Supreme Court of Justice has ruled to the contrary. For example, in "Carlos Outón and others", Judgements 267:215, the Court found that "Trade-union freedom signifies the right to join the trade union of one's choice or not to join any trade union ..." "Beneficial and fair trade union organization, with good intentions and achievements, calls for free, conscious affiliation, aimed solely at defending occupational interests, without any system of forcible acceptance".

Article 23

73. Decree No. 1,606/90 established the National Council on Juveniles and the Family, which is a division of the Ministry of Health and Social Welfare. In coordination with other national and provincial bodies, the Council is conducting preventive and alternative programmes for three groups: juveniles, the elderly and the disabled, to cut down the proportion of programmes involving institutionalization and therefore separation from the family and social environment. The policy followed for activities during this period are basically: improvement of the quality of life, community participation through non-governmental institutions and/or self-managed groups and the establishment of innovative social technology.

74. In October 1992 the Government established the Federal Council on Protection of Juveniles and the Family, to coordinate policy on matters within its purview in national territory.

75. In recent decades the decrease in the mortality rate, the campaigns against contagious diseases and the advances in nutrition and standards of living have increased life expectancy. This has meant an increase in the proportion of older, and also more vulnerable, people, who together with the rest of the population have suffered from the effects of the successive waves of runaway inflation that have hit Argentina. Many of the elderly today are therefore facing a twofold challenge: coping with old age and doing so under poverty conditions.

76. To counteract this situation, in 1992 the Government established the Department for Senior Citizens, which is responsible for improving the living conditions of the elderly, in programmes such as the following:

(a) ASOMA Programme: intended for persons over 60 years of age who are without social benefits and whose basic needs are not met. The Programme provides food assistance, health care and the essential medicines required by the population at high social and economic risk in order to improve their living conditions;

(b) Programme for the establishment of comprehensive gerontological centres in hospitals located in areas of high social risk;

(c) Pilot Programme on Respiratory Diseases, which distributes vaccinations against respiratory diseases to the elderly, who are the most exposed because of the lack of defence systems;

(d) PAIS Programme: intended to foster a spirit of solidarity through relations between senior citizen centres and encourage membership by persons who are alone or isolated from society;

(e) Mother and Child Health Care Programme (para. 35).

77. It should also be pointed out that Act No. 23,852 of 1990 amended the Military Service Act and exempted from conscription anyone whose parents or siblings disappeared before 10 December 1993, under circumstances implying that it was an enforced disappearance. To make the exemption effective, a formal application must be made, certifying to the competent authorities that the disappearance took place prior to the date mentioned. The competent authority is the Ministry of the Interior's Department of Human Rights.

Article 24

78. The information provided in the previous report remains valid, with the addition mentioned in the Introduction, namely Argentina's ratification of the Convention on the Rights of the Child.

Article 25

79. In addition to the information contained in the previous report, the following is the opinion of one of the most prestigious constitutional law experts in Argentina: "The provisions of the Constitution in this regard meet the standards contained in the Covenant, because they provide for the people to participate in the formation of the Government, through a process involving electoral systems and suffrage, and for access to public office solely on the criterion of suitability. Furthermore, aliens may freely acquire Argentine nationality and with it the citizenship that qualifies them to exercise political rights. Apart from the Constitution, the standards contained in the Covenant are part of domestic legislation, so that there are no incompatibilities with the domestic legal system" (Bidart Campos, Germán, Tratado Elemental de Derecho Constitucional, V.III, Los Pactos Internacionales de Derechos Humanos y la Constitución, Buenos Aires, Ediar, 1989).

Article 26

80. In addition to the information provided previously, mention should be made of the plan for the regularization of the situation of immigrants and the relevant bill, which are currently under examination by Congress and were described in the commentary on article 2.

Article 27

81. No changes.

IV. FACTORS AFFECTING THE IMPLEMENTATION OF THE COVENANT - DIFFICULTIES ENCOUNTERED

82. The factors mentioned in the previous report, in regard to political rights, for example, continue to apply. However, the constitutional reform that the Government is now promoting and is currently under consideration by Congress proposes changes in these situations to adapt them to modern-day life.

- - - - -